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**Subject:** EPA Mid-Atlantic Region Headlines -- Tuesday, August 18, 2015

# **EPA Mid-Atlantic Region Headlines**

**Tuesday, August 18, 2015**

## **\*\*\* DAILY HOT LIST \*\*\***

### **EPA: Firms to pay \$14.3M to clean up Central Chemical site in Hagerstown**

**HAGERSTOWN HERALD-MAIL** PHILADELPHIA — Sixteen companies have reached a \$14.3 million settlement with the U.S. Environmental Protection Agency and the state of Maryland to stabilize and cap waste and contaminated soil at the Central Chemical Superfund site in Hagerstown, the agency announced Monday. The companies have also agreed to reimburse \$945,000 for past costs, and to reimburse for future costs associated with oversight of the cleanup, the EPA said in a news release. The consent decree is subject to a 30-day public-comment period and court approval. The 19-acre site on Mitchell Avenue was home to Central Chemical Corp., where the company blended agricultural pesticides and fertilizers from the 1930s to the 1980s. Raw pesticides manufactured elsewhere were blended with inert materials to produce commercial-grade products. Contaminants found in soil, groundwater, surface water and sediment, as well as in the tissue of fish caught downstream from the site, include arsenic, lead, benzene, aldrin, chlordane, DDD, DDE, DDT, dieldrin, and methoxychlor, according to EPA. "The settlement will fund a protective long-term solution to safely contain contaminated soils and waste on site," EPA Regional Administrator Shawn M. Garvin said in a statement. "This remedy will protect the groundwater from further contamination by the wastes in the soil." The EPA's cleanup plan calls for stabilizing a former waste lagoon, where most of the waste material was contained, capping contaminated soil and installing a groundwater-treatment system. Cleanup of groundwater is still being investigated, the agency said.

### **Delco agency pays \$1.4M over polluting claim**

**PHILADELPHIA INQUIRER** The Delaware County agency responsible for treating sewage from systems that serve 500,000 area residents has agreed to pay nearly \$1.4 million to settle a claim it let pollutants seep into Ridley Creek, Chester Creek, and the Delaware River. In a lawsuit filed last month, the Delaware County Regional Water Authority was accused of too often letting untreated wastewater flow into the tributaries, endangering residents of Delaware County and parts of Chester County, many of whom live in low-income communities. The lawsuit - filed by the U.S. Department of Justice, the U.S. Environmental Protection Agency, and

the Commonwealth of Pennsylvania - marks one victory in an effort by the federal agencies to crack down on what John Cruden, assistant attorney general for the Justice Department's Environment and Natural Resources Division, called "aging and inadequate sewer infrastructure" across the country. The settlement, announced Monday, was not the first for the Delaware County authority. Based in Chester and established in 1974, the authority was designed to treat millions of gallons of storm and wastewater each day, including from industrial sources and sewers. It is authorized to discharge pollutants into the creeks and the river as long as it meets requirements that limit the amount and type of pollutants. The suit alleged that the agency routinely exceeded acceptable levels of pollutant discharge and at times when it was not allowed permitted untreated wastewater to flow directly into the water, posing a possible health risk. According to a statement by the Department of Justice, the agency emitted 739 million gallons of untreated sewage into the tributaries annually. Exposure to raw sewage can cause illnesses ranging from mild stomach cramps to cholera. "This settlement means cleaner water for communities in the Philadelphia area, including many that have historically been overburdened by water pollution," Cynthia Giles, assistant administrator for the EPA's Office of Enforcement and Compliance Assurance, said in a statement. Robert Willert, executive director of the authority, did not respond to a request for comment.

## **Pennsylvania regulators say more oil and gas rules are on the horizon**

**PITTSBURGH POST-GAZETTE** Pennsylvania environmental regulators are making a list of items they want to see in yet another major revision to the state's oil and gas rules, just as they near the end of a contentious rule-drafting process that will have taken half a decade when it is finished next year. In a conference call to announce the final package of rules for above-ground oil and gas activities on Aug. 12, Department of Environmental Protection Secretary John Quigley cast his comments repeatedly toward the future. "This is not the end of the process," he said. "There is more study needed on additional measures, and there will be more rule-making in a separate process, to ensure responsible drilling and protection of communities, public health and the environment." Regulators gave few firm details about what the coming raft of rules might hold, but they signaled some areas of focus. Mr. Quigley said the agency will release additional information about the potential scope of the next regulatory package, probably between October and December. Rules to control noise from well sites — which DEP drafted then dropped from the current package of revisions, calling them "premature" — might become part of a future regulation after the agency develops a best practices guide, DEP leaders said. Mr. Quigley said the agency is "looking in particular at public health protections" as it compiles a list of topics for a next regulatory package "because that is certainly one of the areas of biggest concern." He also said the agency is discussing potential oil and gas rules with staff in all of its divisions, which include air, radiation protection, waste and water, and with outside agencies, including the state Department of Health. He emphasized that DEP "will be driven by science and data" in developing its regulatory proposals.

## **Report offers 27 ways to reduce risk of oil-train derailments in Pa.**

**PHILADELPHIA INQUIRER** A rail-safety expert recommended Monday that Pennsylvania

step up track inspections and press railroads to increase the number of electronic trackside monitors to reduce the risk of oil-train derailments. Allan M. Zarembski, a University of Delaware expert commissioned by Gov. Wolf to explore responses to a massive increase in oil-train traffic, made 27 recommendations on ways the state and railroads can reduce the risk of a catastrophic derailment. Zarembski acknowledged that the state has limited leverage over federally regulated railroads, and that the U.S. Department of Transportation and the industry have already moved to upgrade safety standards, including new railcar rules. "Yes, the railroads are doing many of the things that we say, but the question is, can we get the railroads to do it at the level where we think we can reduce the risk further?" Zarembski said during a media briefing Monday. Wolf commissioned the report after expressing "grave concern" about the 60 to 70 oil trains that cross Pennsylvania each week to deliver crude oil to refineries around Philadelphia. In recent years, refiners have switched from overseas suppliers to U.S. shale-oil producers that transport crude by rail because of the lack of pipelines. Thirteen of Zarembski's recommendations are aimed at railroads, calling on them to reduce speed in urban areas, to increase inspections of tracks, and to install more trackside devices to detect overheating equipment or mechanical problems that could lead to railcar failures. Norfolk Southern and CSX, the railroads that move most crude oil in Pennsylvania, have adopted nationwide speed limits of 50 m.p.h. for oil trains. In April, the Federal Railroad Administration (FRA) issued an emergency order restricting trains to 40 m.p.h. in urban areas if they are transporting flammable liquids, including oil.

## **Susquehanna River Basin Commission's study finds no impacts on streams from Marcellus Shale drilling**

**TOWANDA DAILY REVIEW** TOWANDA - The Susquehanna River Basic Commission says it has not found any impacts from Marcellus Shale gas drilling on the quality of water in streams that it has been monitoring, including several in Bradford County. Last month, the commission released a report on the data it collected at water quality monitoring stations over a three-year period in streams in some of the watersheds of the Marcellus Shale region of the Susquehanna River Basin. In 2010, the Susquehanna River Basin Commission (SRBC) began installing the monitoring stations in small, headwater streams in the Susquehanna River Basin to measure impacts on the streams from gas drilling in the Marcellus Shale, according to the report. Fifty-eight stations were installed over a two-year period, each in a different watershed, the report said. Every five minutes, equipment in the stations measured pH, temperature, dissolved oxygen, and other measurements of water quality, and the data was transmitted every two to four hours to the SRBC's headquarters in Harrisburg. The stations were typically powered by a solar panel, according to the SRBC. A measurement of radioactivity was taken at the stations four times a year. The stations were intended to look for impacts on the streams from a wide range of gas drilling activities, including hydraulic fracturing and spills, according to the SRBC. After three years of continuous monitoring, the data collected "did not indicate any changes in water quality" from gas drilling activity, according to a press release issued by the SRBC, which accompanied the release of the report. "With a few exceptions, the water chemistry at the monitoring stations indicates good water quality," the press release said. "The results of aquatic insect monitoring were not affected by the density of upstream natural gas wells or pads," the release also said. The monitoring stations have been operating in areas where drilling for natural

gas is most active, as well as other locations where no drilling activities are occurring, so that the SRBC can collect control data, the SRBC said. Ten of the monitoring stations were installed in New York state, because it was not known at the time whether New York state would ban drilling in the Marcellus Shale. Four of the monitoring stations were located in Bradford County. They are in Sugar Creek, near Troy; Sugar Run, near Wyalusing; Tomjack Creek, near Burlington; and Wappasening Creek, near Windham Center.

## **Editorial: WHAT A WASTE**

**PHILADELPHIA DAILY NEWS** (Monday) IT'S OUTRAGEOUS that crews working for the federal Environmental Protection Agency carelessly unleashed 3 million gallons of toxic sludge from an abandoned mine last week in Colorado. EPA officials, led by administrator Gina McCarthy, must keep their promises to effectively repair the damage done by the hazardous spill and to fairly compensate landowners and others affected by it. But seen in a broader light - and despite what hard-core EPA critics claim - this horrific accident should help drive home the point that the agency is needed more than ever. In fact, it would be even more outrageous if the EPA's opponents successfully used the Colorado incident to tamper with the agency's crucial watchdog role. Potential environmental disasters abound in this country, including from underground oil-carrying pipelines and coal-fired power plants. The nation also is dealing with thousands of Superfund sites, hazardous waste dumping grounds often created by irresponsible private companies. As history shows, too many businesses will cut corners to make an extra buck. They are willing to cavalierly take great risks that ultimately damage the environment. The Colorado spill is extremely unusual. In far more cases, scrutiny and even pressure by the EPA to follow the law have reduced the release of harmful pollutants that spoil the air that Americans breathe and the water they drink. It's also a good idea to look askance at claims by politicians that one of this nation's main economic problems is the number of federal rules put in place by big, bad Washington, D.C. While this might be a great applause line, the effective counterpoint is that federal - as well as state and local - regulations often are put in place for very good reasons. When it comes to the environment, those rules have saved lives and reduced health-care bills for millions of people. Without federal regulations that eliminated lead in gasoline and clamped down on vehicle emissions, Americans in some large cities today would be choking on Beijing-like air, not enjoying some of the cleanest air in generations. Indeed, the U.S. economy has grown over the last few decades even while the EPA "rulebook" has grown thicker. The Colorado accident should force Americans to confront the fact that mining-related disasters could occur elsewhere. The EPA's cleanup plans for the heavy metals left behind are still being devised, and officials concede it could take years to safely remove them. The costs likely will be staggering, yet another good argument for effective environmental rules. The accident involving the Gold King mine has caused great concerns for thousands of people living near more than 100 miles of waterways. But again, this incident is not the norm. The EPA must be allowed to carry out its extremely important role in cleaning up pollutants while ensuring that strong regulations are in place to prevent future problems.

## **Goochland Teacher Recognized for Teaching Environmental Issues**

**CHARLOTTESVILLE NEWSPLEX ABC-TV 27 GOOCHLAND COUNTY, VA** (NEWSPLEX) -- The Environmental Protection Agency has recognized a Goochland County teacher for her efforts to inform her students about environmental problems. Anne Moore received the Presidential Innovation Award for Environmental Educators. "Anne Moore has spent 16 years teaching students about the importance of environmental conservation and how their actions affect health and the environment," said EPA Regional Administrator Shawn M. Garvin. "Through her hard work and dedication, students leave the classroom with a better understanding of the delicate balance between humans and our environment, and share that knowledge with families and communities." She developed programs to encourage kids to think critically about solving environmental problems. Her Trash to Treasure program requires students to analyze waste management practices in their area and research how those practices alter the environment. Another of her programs led to the Chesterfield County Tire Amnesty Day that allows members of the community to bring in unwanted tires for proper disposal. Some of Moore's students have also participated in a Chesapeake Bay Blue Crab Study and a Prothonotary Warbler Investigative Study.

## **Environmental Groups Ask What's Next in EPA Methane Limits**

**BNA DAILY ENVIRONMENT REPORT** As the EPA gets ready to propose methane emissions limits for new oil and natural gas wells, environmental groups are already asking what's next for existing sources. The agency's proposed standards for new and modified wells, expected sometime this month, are part of an Obama administration strategy to curb methane emissions by as much as 45 percent by 2025. "What we hope to see from the administration in the next week or two are regulations for the oil and gas industry that begin to move us towards achieving that goal," which likely cannot be met unless existing sources of methane emissions are also regulated, an Environmental Defense Fund official says.

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# **PENNSYLVANIA**

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Report offers 27 ways to reduce risk of oil-train derailments in Pa. A rail-safety expert recommended Monday that Pennsylvania step up track inspections and press railroads to increase the number of electronic trackside monitors to reduce the risk of oil-train derailments. Allan M. Zarembski, a University of Delaware expert commissioned by Gov. Wolf to explore responses to a massive increase in oil-train traffic, made 27 recommendations on ways the state and railroads can reduce the risk of a catastrophic derailment. Zarembski acknowledged that the state has limited leverage over federally regulated railroads, and that the U.S. Department of Transportation and the industry have already moved to upgrade safety standards, including new railcar rules. "Yes, the railroads are doing many of the things that we say, but the question is, can we get the railroads to do it at the level where we think we can reduce the risk further?" Zarembski said during a media briefing Monday. Wolf commissioned the report after expressing "grave concern" about the 60 to 70 oil trains that cross Pennsylvania each week to deliver crude

oil to refineries around Philadelphia. In recent years, refiners have switched from overseas suppliers to U.S. shale-oil producers that transport crude by rail because of the lack of pipelines. Thirteen of Zarembski's recommendations are aimed at railroads, calling on them to reduce speed in urban areas, to increase inspections of tracks, and to install more trackside devices to detect overheating equipment or mechanical problems that could lead to railcar failures. Norfolk Southern and CSX, the railroads that move most crude oil in Pennsylvania, have adopted nationwide speed limits of 50 m.p.h. for oil trains. In April, the Federal Railroad Administration (FRA) issued an emergency order restricting trains to 40 m.p.h. in urban areas if they are transporting flammable liquids, including oil.

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Gutting the Gallery for recycling The corridor near the vacant fish market still smells like fish, and the area by the vanished food court still smells like grease. Soon even the odors of the Gallery will be gone, as the developer prepares to undertake a massive internal demolition and knock the inside of the mall to pieces. The work probably will start in late September. The mountains of broken material won't all be headed to landfills. More likely, experts said, tons of metal and concrete will be sold and recycled. Even with the Gallery in its death throes, there's money inside - offering savings to the builder, the Pennsylvania Real Estate Investment Trust, and benefits to the environment. "There's a lot of value in this mall," said Diran Apelian, director of the Metal Processing Institute, a consortium that's part of Worcester Polytechnic Institute in Massachusetts. The recycling of demolition and construction materials has surged as the recession has ended. But even with the best intentions, recycling remains challenging, with a

third of waste still piling up in dumps. Nor does the destruction of a mall tend to create a long, Craigslist trove of treasures for erstwhile Dumpster divers. Tables, chairs, and signs are hard to resell. When the J.C. Penney store at the Granite Run Mall liquidated its interior, only 15 percent of the fixtures were sold, the developer said. A representative for PREIT said the executive in charge of recycling matters was away and could not be reached for comment last week. But at a giant mall renovation across the river in South Jersey, PREIT went to lengths to extract value from the remains. "Just about everything that can be recycled gets recycled, because it's a cost advantage," said Pete Gardner, sustainability manager at Torcon Inc., a construction-management firm with offices in the Navy Yard.

City Grime Releases Pollutant When Exposed to Sunlight: Study MONDAY, Aug. 17, 2015 (HealthDay News) -- Sunlight causes grime on city buildings, statues and other outdoor surfaces to release chemicals that create smog, according to a new study. City grime is a mixture of thousands of chemicals -- including nitrogen oxides -- emitted into the air by vehicles, factories and other sources. It had been believed that nitrogen oxides become inactive when they are trapped in grime on city surfaces. Field studies conducted in Toronto and Leipzig, Germany, revealed that sunlight releases nitrogen oxides from grime. When in the air, nitrogen oxides can combine with other pollutants called volatile organic compounds to create ozone, which is the main component of smog. The study finding is to be presented Monday at the annual meeting of the American Chemical Society in Boston. "The current understanding of urban air pollution does not include the recycling of nitrogen oxides and potentially other compounds from building surfaces," study author James Donaldson, a University of Toronto chemistry professor, said in a society news release. "But based on our field studies in a real-world environment, this is happening. We don't know yet to what extent this is occurring, but it may be quite a significant, and unaccounted for, contributor to air pollution in cities," he explained. Research presented at medical meetings is typically considered preliminary until published in a journal that's peer-reviewed.

### **PHILADELPHIA DAILY NEWS**

Editorial: WHAT A WASTE (Monday) IT'S OUTRAGEOUS that crews working for the federal Environmental Protection Agency carelessly unleashed 3 million gallons of toxic sludge from an abandoned mine last week in Colorado. EPA officials, led by administrator Gina McCarthy, must keep their promises to effectively repair the damage done by the hazardous spill and to fairly compensate landowners and others affected by it. But seen in a broader light - and despite what hard-core EPA critics claim - this horrific accident should help drive home the point that the agency is needed more than ever. In fact, it would be even more outrageous if the EPA's opponents successfully used the Colorado incident to tamper with the agency's crucial watchdog role. Potential environmental disasters abound in this country, including from underground oil-carrying pipelines and coal-fired power plants. The nation also is dealing with thousands of Superfund sites, hazardous waste dumping grounds often created by irresponsible private companies. As history shows, too many businesses will cut corners to make an extra buck. They are willing to cavalierly take great risks that ultimately damage the environment. The Colorado spill is extremely unusual. In far more cases, scrutiny and even pressure by the EPA to follow the

law have reduced the release of harmful pollutants that spoil the air that Americans breathe and the water they drink. It's also a good idea to look askance at claims by politicians that one of this nation's main economic problems is the number of federal rules put in place by big, bad Washington, D.C. While this might be a great applause line, the effective counterpoint is that federal - as well as state and local - regulations often are put in place for very good reasons. When it comes to the environment, those rules have saved lives and reduced health-care bills for millions of people. Without federal regulations that eliminated lead in gasoline and clamped down on vehicle emissions, Americans in some large cities today would be choking on Beijing-like air, not enjoying some of the cleanest air in generations. Indeed, the U.S. economy has grown over the last few decades even while the EPA "rulebook" has grown thicker. The Colorado accident should force Americans to confront the fact that mining-related disasters could occur elsewhere. The EPA's cleanup plans for the heavy metals left behind are still being devised, and officials concede it could take years to safely remove them. The costs likely will be staggering, yet another good argument for effective environmental rules. The accident involving the Gold King mine has caused great concerns for thousands of people living near more than 100 miles of waterways. But again, this incident is not the norm. The EPA must be allowed to carry out its extremely important role in cleaning up pollutants while ensuring that strong regulations are in place to prevent future problems.

### **PITTSBURGH POST-GAZETTE**

Pennsylvania regulators say more oil and gas rules are on the horizon Pennsylvania environmental regulators are making a list of items they want to see in yet another major revision to the state's oil and gas rules, just as they near the end of a contentious rule-drafting process that will have taken half a decade when it is finished next year. In a conference call to announce the final package of rules for above-ground oil and gas activities on Aug. 12, Department of Environmental Protection Secretary John Quigley cast his comments repeatedly toward the future. "This is not the end of the process," he said. "There is more study needed on additional measures, and there will be more rule-making in a separate process, to ensure responsible drilling and protection of communities, public health and the environment." Regulators gave few firm details about what the coming raft of rules might hold, but they signaled some areas of focus. Mr. Quigley said the agency will release additional information about the potential scope of the next regulatory package, probably between October and December. Rules to control noise from well sites — which DEP drafted then dropped from the current package of revisions, calling them "premature" — might become part of a future regulation after the agency develops a best practices guide, DEP leaders said. Mr. Quigley said the agency is "looking in particular at public health protections" as it compiles a list of topics for a next regulatory package "because that is certainly one of the areas of biggest concern." He also said the agency is discussing potential oil and gas rules with staff in all of its divisions, which include air, radiation protection, waste and water, and with outside agencies, including the state Department of Health. He emphasized that DEP "will be driven by science and data" in developing its regulatory proposals.

Letter: The EPA's power plan will be good for future generations President Barack Obama's recent announcement of the Environmental Protection Agency's Clean Power Plan provides tremendous leadership in addressing the urgency and morality of the crisis of climate change. Our nation must change its course and serve as a constructive model for other nations in



implementing strategies and concrete actions to curb the deleterious effects of climate change. This plan establishes the first-ever national standards on carbon emissions from coal-fired power plants. The public health benefits are both numerous and significant, including 3,600 fewer premature deaths, 1,700 fewer hospital visits, 90,000 fewer asthma attacks in children and 300,000 fewer missed work and school days due to illness by 2030. These benefits would be directly felt by those who live near the Cheswick Generating Station in Springdale. Our children are at the greatest risk from air pollution but we have the opportunity now to improve their health and their future by enacting these standards. As President Obama stated, “This is our moment to get this right and leave something better for our kids. Let’s make the most of that opportunity.” Thank you, President Obama, for valuing the health of our children and setting the bar for other countries to follow.

Research effort underway to see if coal ash could save your smartphone The panic set in around 2010. The trigger words: China, monopoly, national security, iPhones. Yes, iPhones, whose signature features — the sleek display, their sound quality — draw their properties from rare earth elements, a 15-chunk block of lanthanides at the base of the periodic table, plus the metals scandium and yttrium. By 2010, China had cornered nearly 95 percent of the world’s production of rare earths and had begun to choke exports, which caused prices to skyrocket. Bills were introduced in Congress to fast track permits for rare earth mines in the United States. Politicians warned of a national security disaster, and the Department of Defense, which needs rare earth elements for applications ranging from lasers to weapons, sounded the alarm. Back in his lab at the University of Kentucky, Jim Hower, a geologist, started to see a wave of interest in his research like never before. Mr. Hower has been sampling slabs of Appalachian coal and its waste products and cataloging their rare earth element concentrations for years. He was doing it when Kentucky and West Virginia coal towns boomed with activity “where we used to be dodging trucks,” and he’s still doing it today when “it’s a ghost town,” he said. Central Appalachian coal — mined in parts of Virginia, West Virginia, Kentucky and Tennessee and once prized for its low sulfur content and is now the most difficult and least economic to mine — also holds the most rare earth element “hot spots” in the country, according to research compiled by Ohio-based Leonardo Technologies for the federal government. Rare earth element concentrations in these hot spots are more than 1,000 parts per million, measured when coal is burned, compared with about 200 parts per million in regular rock. Coal ash from power plants, as sampled by Mr. Hower, has 10 times the concentration of rare earths as the original coal.

Carriers weigh routing oil trains around Pennsylvania The two major rail haulers of crude oil in Pennsylvania are weighing routing trains carrying the commodity around Pittsburgh, the governor’s independent rail expert said Monday as he unveiled wide-ranging safety recommendations. “I am aware of the fact that there are options, and the railroads are looking at options of re-routing trains around Pittsburgh,” said Allan Zarembski, a University of Delaware research professor hired in April to advise Democratic Gov. Tom Wolf on crude-by-rail policy. He declined to elaborate, citing that the rail companies were still conducting assessments. CSX Corp. and Norfolk Southern Railway, the predominant haulers of crude oil through Pennsylvania, have not said whether they plan to change routes. Safety experts have called for companies to send trains around heavily populated areas following a string of fiery derailments in recent years, including an explosion in 2013 that killed 47 people in downtown Lac-Mégantic, Quebec. More recently, an oil train jumped the tracks near Charleston, W.Va., and forced the

evacuation of 100 people. Every week, roughly 60 to 70 trains carrying up to 3 million gallons of crude oil each travel through Pennsylvania, destined for refineries in Philadelphia and elsewhere on the East Coast, according to state figures. A boom in production in the Bakken Shale of North Dakota has put more oil on the rails as an alternative to pipelines, which haven't been built in that rural area.

### **PITTSBURGH TRIBUNE REVIEW**

Commentary: The EPA water rule: Déjà vu The Environmental Protection Agency and the Army Corps of Engineers have released their final rule defining what they believe constitutes the “waters of the United States.” This effort, in their own terms, is to provide clarity and to protect streams and wetlands that we depend on for our health, communities and economy. But have the federal agencies achieved their stated goals or, in the immortal words of the great baseball philosopher Yogi Berra, is this simply “déjà vu all over again?” Some have argued that this new interpretation of U.S. waters will significantly expand federal control over land and water across the nation and trigger a torrent of additional regulatory requirements and impediments to the use of our natural resources. The issues have been thoroughly evaluated by industry groups, land developers, law firms, consulting companies and even various state and county farm bureaus around the country, which have provided their assessment of the staggering overreach of this new rule. Many Republicans and rural Democrats in Congress are determined to roll the regulation back because they say agricultural and other interests fear the rule could halt virtually all development near water. If past is prologue, the examples of federal overreach are almost innumerable. In 2011, the EPA brought suit against a chicken farmer in West Virginia because chicken droppings violated the Clean Water Act. Permitting and administrative costs, storm water pollution plans and ongoing sampling and chemical analysis of storm water would be needed by this small chicken farm. Ultimately, the EPA dropped its action against this individual chicken farmer. Virginia and its Fairfax County filed a lawsuit against the EPA in its efforts to regulate storm water as a runoff pollutant in 2012. The EPA argued that storm water itself can be regulated as a pollutant if there is an overabundance of it. In the end the courts ruled that the EPA had overstepped its jurisdiction. As a requirement of developing a final rule defining waters of the United States, federal agencies must publish the proposal in the Federal Register in order to receive comments and input from the public. EPA Administrator Gina McCarthy noted that the agency received more than 1 million comments on the newly proposed rule. Nearly 90 percent of those comments favored the EPA's proposed course. But who was making those favorable comments?

### **STATE IMPACT PENNSYLVANIA**

Report urges more than two dozen measures to make oil trains safer Pennsylvania's oil trains could be made safer through a number of steps, more inspections, additional technology, lower speed limits, and improved preparation for emergency responders along the routes, according to a report released on Monday. Gov. Tom Wolf commissioned the report amid growing fears that a derailment by one of the trains carrying millions of gallons of crude oil across the state could lead to catastrophic explosions in densely populated areas like Philadelphia. The long-awaited report, written by Allan Zarembski, an expert in rail operations and structures at the University of Delaware, said there is “concern about the level of risk” on lines where Norfolk Southern and CSX haul oil trains, even though safety measures recently taken by the railroad industry and the U.S. Department of Transportation have been “of great value.” Zarembski proposed 27 measures

designed to prevent derailments, improve the resilience of tank cars in the event of a derailment, and help state and local emergency responders to deal with a catastrophic event, such as the oil-train explosion that killed 47 residents of Lac Megantic, Quebec, in 2013. To make tank cars more resistant to puncturing, the report recommended installing improved head shields; increasing the thickness of tank shells; protecting valves, and reducing train speeds. It called on the Commonwealth of Pennsylvania to “encourage” both of the railroads to install Positive Train Control technology – which can automatically slow speeding trains — as soon as possible in order to comply with new federal regulations set after the deadly Amtrak derailment outside Philadelphia in May.

### **ERIE TIMES NEWS**

DEP project documents Lake Erie shipwrecks, special habitats With a small splash, the foot-long remotely operated vehicle dove below the surface of Lake Erie to the wreck of the S.K. Martin. Fish followed the ROV as it passed over the coal freighter that foundered in a storm in 1912 and came to rest in about 58 feet of water about 2 miles off the Harborcreek Township shoreline. "Here's one of the hatches," said Matt Walderon, the state Department of Environmental Protection Coastal Resources Program specialist who guided the ROV that sent video to the surface. Monday's visit to the underwater site was part of a DEP project that gathers information about the bottom of Lake Erie. DEP officials said the project documents shipwrecks and maritime graves and also provides information about habitat for fish and could prove helpful if development projects involving wind turbines, pipelines or cables in the lake are proposed in the future. "We're trying to characterize what the bottom looks like," said Don Benczkowski, Coastal Resources Program manager.

### **LANCASTER NEWSPAPERS**

Controversial Mariner East pipeline not ruffling feathers in Lancaster County The Mariner East pipeline projects have been one of the most hotly contested in Pennsylvania, but the 6.5 miles through northern Lancaster County? Not so much. In other nearby counties, such as in Chester, Delaware and Cumberland, residents have gone to court and the Pennsylvania Public Utility Commission fighting the 300-mile Mariner East 1 and 2 projects. Philadelphia-based Sunoco Logistics Partners recently initiated eminent domain proceedings against landowners who refused buyout offers to expand the existing right of way through their properties. But it appears Sunoco has had few problems with about 50 landowners — mostly farmers — in West Cocalico Township, even though a new pumping station has been built there. “I think the fact that we already have a line going through, using the same easement, it’s not really impacted a lot of us,” says Carolyn Hildebrand, West Cocalico’s township manager. “A lot of that is empty space.” The 1 mile that the pipeline right of way crosses Clay Township is through the Pennsylvania Game Commission’s popular Middle Creek Wildlife Management Area. There, the pipeline has not been exactly welcomed. “We’ve been dealing with them for two years. It’s been very disruptive to the refuge,” says Jim Bender, Middle Creek’s manager. “They were running roughshod over us for awhile.” Bender says earth has been disturbed where sections of the old 8-inch pipeline have had to be replaced or repaired and for environmental and archaeological surveys for an additional pipeline or two. He said above-ground valves that would be added would double the footprint on the refuge. Bender says he is relieved the pipeline will be rerouted around a wetlands. But noting there are two other pipelines — one carrying liquid petroleum gas and one petroleum — that crisscross Middle Creek, Bender says he gets nervous. “We’ve got

100,000 snow geese here. The last thing we want is a spill.” Sunoco spokesman Jeff Shields says horizontal drilling is being done to minimize disturbance at Middle Creek.

Alliance for the Chesapeake Bay honors Gutshall as "Watershed Champion" The Alliance for the Chesapeake Bay has named Kelly Gutshall, landscape architect and owner/president of LandStudies, a 2015 "Watershed Champion." One of five winners, Gutshall was selected for her contributions to Chesapeake Bay restoration. The alliance cited Gutshall for using innovative site planning and storm water management techniques to create developments that maximize watershed protection.

### **TOWANDA DAILY REVIEW**

Susquehanna River Basin Commission's study finds no impacts on streams from Marcellus Shale drilling TOWANDA - The Susquehanna River Basic Commission says it has not found any impacts from Marcellus Shale gas drilling on the quality of water in streams that it has been monitoring, including several in Bradford County. Last month, the commission released a report on the data it collected at water quality monitoring stations over a three-year period in streams in some of the watersheds of the Marcellus Shale region of the Susquehanna River Basin. In 2010, the Susquehanna River Basin Commission (SRBC) began installing the monitoring stations in small, headwater streams in the Susquehanna River Basin to measure impacts on the streams from gas drilling in the Marcellus Shale, according to the report. Fifty-eight stations were installed over a two-year period, each in a different watershed, the report said. Every five minutes, equipment in the stations measured pH, temperature, dissolved oxygen, and other measurements of water quality, and the data was transmitted every two to four hours to the SRBC's headquarters in Harrisburg. The stations were typically powered by a solar panel, according to the SRBC. A measurement of radioactivity was taken at the stations four times a year. The stations were intended to look for impacts on the streams from a wide range of gas drilling activities, including hydraulic fracturing and spills, according to the SRBC. After three years of continuous monitoring, the data collected "did not indicate any changes in water quality" from gas drilling activity, according to a press release issued by the SRBC, which accompanied the release of the report. "With a few exceptions, the water chemistry at the monitoring stations indicates good water quality," the press release said. "The results of aquatic insect monitoring were not affected by the density of upstream natural gas wells or pads," the release also said. The monitoring stations have been operating in areas where drilling for natural gas is most active, as well as other locations where no drilling activities are occurring, so that the SRBC can collect control data, the SRBC said. Ten of the monitoring stations were installed in New York state, because it was not known at the time whether New York state would ban drilling in the Marcellus Shale. Four of the monitoring stations were located in Bradford County. They are in Sugar Creek, near Troy; Sugar Run, near Wyalusing; Tomjack Creek, near Burlington; and Wappasening Creek, near Windham Center.

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## **WASHINGTON, D.C.**

### **WASHINGTON POST**

The federal government wants you to review it on Yelp The federal government is officially

encouraging the public to rate their experiences with the biggest, most frustrating bureaucracy to deal with in the country — just like they would review the new Thai restaurant down the street. Taxpayers will be able to weigh in, in real time, on whether they waited in line 20 minutes or two hours to renew their passports; whether the airport security screeners they dealt with were surly or sweet; whether the U.S. Forest Service worked fast enough to put out wildfires spreading in their state. That's the goal of a new initiative the General Services Administration's DigitalGov team launched last week. Yelp, the popular Web and mobile service that helps people find local businesses by ratings and is best known for restaurant reviews, is now open for official government use. GSA is encouraging agencies to launch new Yelp pages to listen and respond to comments from the public, then use the data to drive improvements to services. "This allows agencies to go in and engage, and dedicate customer service staff to monitoring the feedback," said Justin Herman, who leads social media for GSA's Office of Citizen Services and Innovative Technologies. Right now, the new Yelp section for "Public Services & Government" is a collection of reviews of hundreds of federal and state tourist destinations and buildings, including memorials, courthouses, motor vehicle agencies, embassies, fire departments, landmarks and post offices.

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## DELAWARE

### **DELAWARE CAPE GAZETTE**

Developer unveils Warrington Road project A developer has proposed a high-density housing project along Warrington Road on a 35-acre parcel of land owned by the Hood family since the 1700s. Lockwood Design & Construction Inc. has filed an application to rezone the parcel from AR-1, agricultural-residential, to HR-1, RPC, high density, residential planned community. Arbor-Lyn calls for 202 units: 60 single-family homes along Warrington Road, 82 townhouses and four condominium apartment buildings with a total of 60 units in the interior of the project. "It's a classic infill as the last parcel of land in the quadrant not to be rezoned or the subject of a conditional use," said Gene Bayard, the developer's attorney. "If there is a definition of smart growth, this is it," he said, adding the proposed project has been in a growth zone for more than 30 years, is consistent with the county's comprehensive land-use plan and contains a mixture of housing types, which is consistent with other communities in the area.

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## WEST VIRGINIA

### **CHARLESTON GAZETTE-MAIL**

Gas line explosion reported near Winfield A gas line exploded near Winfield early Monday afternoon, sending at least one person to the hospital, emergency dispatchers said. Dispatchers with the Putnam County Office of Emergency Management said the explosion occurred after someone pierced the gas line while digging near the intersection of Harmon Branch Road and Rocky Step Road. At 3:15 p.m., dispatchers said there were still flames at the site of the explosion, and that one person at the scene had been taken by ambulance to Cabell Huntington

Hospital. There was no immediate word on that person's condition. Lawrence Messina, spokesman for the West Virginia Department of Military and Affairs and Public Safety, said initial reports suggest that the injured person was sent to the hospital's burn unit, but no homes in the area were affected. Messina said the reports also suggested that "the explosion may have been caused when a piece of equipment started up near a 4-inch gas line that was leaking," but he said it was too early to verify how the incident occurred. Susan Small, director of communications for the state Public Service Commission, said the 4-inch pipe that exploded was a plastic line owned by Union Oil and Gas. She said it was unclear if the gas was sparked due work on the line, but she said the 4-inch line probably had far less pressure than a larger-sized gas main. "The pressure wouldn't have been as high as a main transmission line," Small said.

Miners protest Patriot Coal's efforts to cancel union contracts, benefits SCOTT DEPOT, W.Va. - More than 1,000 miners and supporters gathered in front of Patriot Coal's headquarters in Putnam County on Monday afternoon to protest the company's continuing efforts to cancel union contracts and avoid paying pensions and health benefits to retired miners. "We are here for one reason - to make the company hear our voice," said Joe Carter, vice president of United Mine Workers of America District 17, based in Charleston. On Aug. 3, the UMW filed an objection in the U.S. Bankruptcy Court in Richmond, Virginia, opposing Patriot's efforts to cancel union contracts and to avoid paying benefits to retired coal miners. Patriot has been working to sell some of its most valuable assets to Blackhawk Mining, based in Lexington, Kentucky. Patriot supports a deal with Blackhawk Mining that would allow union contacts and retiree benefits to be dismissed. Blackhawk could then rehire employees laid off by Patriot, according to its bankruptcy filing.

Dunbar Fire Department receives grant from West Virginia American Water The Dunbar Fire Department will be able to purchase a new smoke machine for search and rescue training thanks to a \$1,000 grant from West Virginia American Water. Laura Jordan, external affairs manager for West Virginia American Water, presented the check, part of the Firefighter Support Grant Program, to Chief Butch Ellis during the Dunbar City Council meeting Monday. "We are happy to announce that the Dunbar Fire Department is one of the recipients this year," Jordan said. "We actually had 46 different fire departments that applied for this grant this year, and we had to narrow it down to 15, which was very tough because it was very competitive."

First Energy asks for \$165 million increase to cover energy costs First Energy customers in West Virginia could experience a \$165 million rate increase in January if the Public Service Commission approves the company's most recent expanded net energy cost case. On Friday, First Energy -- a company that provides power to customers in northern West Virginia and the Eastern Panhandle -- asked the PSC to approve the 12.5 percent increase to cover things like fuel costs, power purchases, lower-than-expected revenues from electricity sales to the grid and additional operating costs at the Harrison Power Plant near Haywood. If approved, the request could cost residential customers several dollars a month more on their bills. According to documents presented to the PSC, residential customers using 1,000 kilowatts per month would see a \$8.79 increase, with their bills jumping from \$100.49 to \$109.28 per month.

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# MARYLAND

## **BALTIMORE SUN**

Baltimore mayor to buy trash can for all households for rat control Mayor Stephanie Rawlings-Blake will announce today plans to spend about \$10 million to purchase heavy duty trash cans for every house in Baltimore under a program designed to help control Baltimore's rat population and decrease sanitation worker injuries. Rawlings-Blake said she wants to build on the success of a pilot program, launched last year, in Belair-Edison and greater Mondawmin area. The city is expected to request bids for 64-gallon receptacles for 210,000 households, all of the ones eligible for trash collection. The pilot program showed the calls for rat extermination dropped by nearly 75 percent and the number of workers injured fell. As part of the program, the city's garbage trucks are retrofitted with lifts to collect the containers. "We wanted to see if municipal cans make a difference," Rawlings-Blake said in a statement. "We found that they did."

Editorial: (Lead) poisoning the well The claim Friday by Housing Secretary Kenneth C. Holt that certain mothers — read largely poor, black and living in Baltimore — would knowingly poison their children with lead weights for free housing is disturbing on multiple levels, revealing a basic misunderstanding of human nature, Maryland housing law and the devastating effects of lead poisoning. But equally troublesome is the idea that Mr. Holt would blindly accept such an offensive anecdotal story as fact from a landlord and then use it as justification for plans to ease lead paint poisoning liability for those same landlords. Is he really that gullible? Or is this an example of the kind of "business friendly" climate his boss, Gov. Larry Hogan, wants to create for the state — one willing to risk the wellbeing of children for the sake of developers? Either way, his comments have raised serious questions about his fitness for the office, whose goal should be safe, affordable housing for all Marylanders. Lead, which was used in paint production up until the 1970s, is an extremely toxic material that is especially dangerous to young children, who can develop serious mental and physical problems — including irreversible brain damage — from minimal exposure to the metal, usually through contaminated dust from older homes. Maryland passed a law in 1994 requiring the owners of rental housing built before 1950 to register with the state and reduce the risk of lead exposure to children; it also capped a landlord's liability at \$17,000. The cap was overturned by the Maryland Court of Appeals four years ago, however, and the legislature meanwhile expanded the regulatory oversight of rental properties to include homes built before 1978. The law requires landlords **to** provide safe, alternative housing while lead abatement is underway, not free housing until the age of 18, as Mr. Holt told an audience at the Maryland Association of Counties summer convention in Ocean City. ... Fair housing advocates have argued that's because lead poisoning leads to disadvantage and, for some, criminal activity. But developers, like the one in Mr. Holt's ear, see opportunists looking to game the system. Baltimore's own housing authority has spent millions to fight lead-paint poisoning cases and refused to pay court-ordered judgments. So in a sense, Mr. Holt isn't alone in his suspicion of lead paint victims. But even he acknowledged that there was no evidence of parents deliberately poisoning their children with lead fishing weights. There is, however, evidence that the lead industry manipulated data and deliberately allowed millions of children to be poisoned.

Hogan keeps housing chief despite lead comments Gov. Larry Hogan's housing secretary will

stay in the job despite calls for his ouster over remarks suggesting that mothers might deliberately poison their children with lead to obtain free housing.

Commentary: The culprit behind the war on watermenhe Maryland Department of Natural Resources (DNR) has been accused of waging a "war on watermen," and watermen are fighting back, seeking changes in the way the bay's fisheries are being managed. They say their livelihoods are being undermined and their culture threatened. They are right about that, but they are directing their anger at the wrong people. Maryland's oyster restoration program is a focal point for this dispute. In 2010, as part of a comprehensive effort to turn around this important but depleted resource, DNR set aside 24 percent of Maryland's productive oyster grounds as "sanctuaries" where harvest was not allowed. The idea was to build up oyster numbers in these areas so they could provide "ecological" benefits, such as filtering the water and building reefs, and also reproduce prodigiously to boost the population. Maryland watermen have always had access to all oyster grounds, and they want it to stay that way. However, this history of allowing harvest everywhere is well documented as one of the main reasons the Bay's oysters declined to 1 percent of their previous abundance by the 1980s. In our view the sanctuaries are actually the best hope for watermen, because they promise to boost reproduction and help turn around the fishery. By leaving 76 percent of the resource open to harvest, DNR is actually deferring to watermen's concerns, considering that a recent University of Maryland study recommended completely closing the fishery. But the question should not be whether to compromise the resource again to give the watermen a short term windfall. It should be, why are watermen barely getting by on a body of water like Chesapeake Bay with a storied history of productive fisheries? No doubt overfishing has been a factor historically, but the fundamental reality is that today's degraded Chesapeake Bay cannot produce the fish and shellfish it once did. And DNR officials must, as responsible stewards of those resources, limit catches accordingly. The bay is choking on an overload of nitrogen, phosphorus and sediment from a variety of pollution sources. The results of this over-enrichment are massive population explosions of algae that turn the water to pea soup from spring to fall. This cloudy water blocks sunlight from underwater grasses, reducing this critical habitat for crabs and juvenile fish to only 20 percent of historical coverage.

City landfill employee to pay \$6 million for taking bribes A longtime Baltimore public works employee has agreed to pay \$6 million in restitution as part of a guilty plea to accepting bribes from trash haulers for nearly his entire 30-year career, federal prosecutors said.

### **CHESAPEAKE BAY JOURNAL**

Leakin Park rises from the dead Leakin Park, on Baltimore's western fringe, is one of the largest urban woodland parks on the East Coast. It includes a 15-mile biking trail, a nature center, several restored historic structures and sweeping views of the Gywnns Falls. There is a mansion, art walk, old waterwheel and plenty of places to have a picnic or climb on the monkey bars. But many residents of Baltimore know Leakin Park for something else — the bodies. From the 1940s until just a few years ago, dozens of corpses were dumped there. Headlines in the Baltimore Sun announced the bodies discovered in the park, many found in stages of gruesome decay as they were deep in a wilderness area where daylight visitors seldom roamed. The crimes didn't occur in Leakin Park, city officials are quick to say. And often, the bodies weren't actually in the park. They were dumped on the side of the road in wooded areas in southwest Baltimore, along Weatheredsville and Windsor Mill and Franklinton roads — thoroughfares that run through the park but also through some of the city's most forlorn neighborhoods. In other words, most of the



crimes weren't committed by people hiking in the park, and the victims weren't those who had come to enjoy its beauty. Still, the stigma of an unofficial graveyard didn't endear Baltimore's law-abiding residents to their largest park. Decades of neglect didn't help. Leakin Park (pronounced Lin-coln Park by many) and the Gwynns Falls were often trash-strewn, worn-down wilderness patches with slim police presence and meager attractions. They smelled of sewage, too, thanks to the outfalls nearby that flowed into the stream.

### **HAGERSTOWN HERALD MAIL**

EPA: Firms to pay \$14.3M to clean up Central Chemical site in Hagerstown PHILADELPHIA — Sixteen companies have reached a \$14.3 million settlement with the U.S. Environmental Protection Agency and the state of Maryland to stabilize and cap waste and contaminated soil at the Central Chemical Superfund site in Hagerstown, the agency announced Monday. The companies have also agreed to reimburse \$945,000 for past costs, and to reimburse for future costs associated with oversight of the cleanup, the EPA said in a news release. The consent decree is subject to a 30-day public-comment period and court approval. The 19-acre site on Mitchell Avenue was home to Central Chemical Corp., where the company blended agricultural pesticides and fertilizers from the 1930s to the 1980s. Raw pesticides manufactured elsewhere were blended with inert materials to produce commercial-grade products. Contaminants found in soil, groundwater, surface water and sediment, as well as in the tissue of fish caught downstream from the site, include arsenic, lead, benzene, aldrin, chlordane, DDD, DDE, DDT, dieldrin, and methoxychlor, according to EPA. "The settlement will fund a protective long-term solution to safely contain contaminated soils and waste on site," EPA Regional Administrator Shawn M. Garvin said in a statement. "This remedy will protect the groundwater from further contamination by the wastes in the soil." The EPA's cleanup plan calls for stabilizing a former waste lagoon, where most of the waste material was contained, capping contaminated soil and installing a groundwater-treatment system. Cleanup of groundwater is still being investigated, the agency said. The companies involved in the settlement include Arkema Inc., Bayer Cropscience LP, FMC Corp., Honeywell International Inc., Lebanon Seaboard Corp., Montrose Chemical Corp. of California, Occidental Chemical Corp., Olin Corp., Rohm and Haas Co., Rhone-Poulenc, Shell Oil Co., Syngenta Crop Protection LLC, The Chemours Co. FC, Union Carbide Corp., Wilmington Securities Inc. and 21st Century Fox America Inc. The site was placed on the Superfund list in 1997. EPA outlined an initial cleanup plan in 2009. Many of the same companies agreed to underwrite an additional cleanup study in 2013. EPA spokeswoman Terri White said Monday that she was unsure when actual cleanup would begin, but that remedies were already being planned. EPA's goal is to clean up the sites and then work with local officials to return them to viable use, but those uses could be limited, White said.

### **MY EASTERN SHORE**

Living shorelines workshop at Unity Landscape CHESTERTOWN — Unity Landscape Design/Build will host a workshop, Living Shorelines 101 – Basics of Living Shoreline Practices, 10 a.m. to noon Saturday, Aug. 29, at Unity Church Hill Nursery, 3621 Church Hill Road. Living shorelines are designed to stabilize natural shorelines while reducing erosion, cleaning the air, increasing habitat, minimizing pollution and enhancing enjoyment of the waterfront. Vegetation and other natural materials are used to protect and preserve the natural function of the shoreline. Following a presentation by Jennifer Dindinger and Eric Buehl, regional watershed restoration specialists with the University of Maryland Sea Grant Extension

Program, attendees will visit nearby Camp Pecometh to view a living shoreline project designed and built by Unity Landscape. Michael Jensen, president of Unity Landscape, will be at the site to talk about the design and construction process and to answer questions. The Chester River Association procured a grant for the Camp Pecometh project through the Chesapeake Bay Trust. The shoreline project was completed in October 2013. The event is free and open to the public. Call Unity Landscape at 410-556-6010 for more information or to reserve a space.

### **ASSOCIATED PRESS (Md.)**

EPA, 16 companies reach deal on cleanup of Hagerstown site HAGERSTOWN, Md. — The U.S. Environmental Protection Agency has reached a settlement with 16 companies for cleaning up the Central Chemical Superfund site in Hagerstown. The EPA said in a news release Monday that the agency and the state of Maryland have reached agreement with the companies for more than \$14.3 million to contain contaminated soils and waste on site of the Central Chemical Corp. facility. The companies will reimburse EPA \$945,000 for past costs and additional funds for future costs. Central Chemical Corp. blended agricultural pesticides from the 1930s to the 1960s. The company dumped DDT, arsenic and other toxic chemicals in an old quarry on the property. The proposed consent decree is subject to a 30-day public comment period and court approval.

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## **VIRGINIA**

### **RICHMOND TIMES-DISPATCH**

Electrofishing helps Virginia 'thin the herd' of blue catfish Not long ago, people worried that a giant, gape-mouthed predator called the blue catfish would take over the James River. We are so beyond that. Now the invader fish, which can top 100 pounds and eats everything from native fish to struggling crabs to KFC chicken boxes, is taking over the Chesapeake Bay. "The wild blue catfish is one of the greatest environmental threats the Chesapeake Bay has ever faced," said Tim Sughrue, executive vice president of a Jessup, Md., seafood company and a former waterman and biologist. What do to? Like making lemonade out of lemons, Virginia is considering turning the slimy, bug-eyed catfish into fillets on your plate. In a state sanctioned-experiment, Poquoson waterman George Trice is pulling thousands of pounds of blue catfish a day from the James and Pamunkey rivers. If all goes according to plan, he will reduce the number of the troublemaking fish while expanding the commercial market for them. In a highly unusual move, Trice is catching the fish by sending an electric current into the water to stun them and then scooping them up before they recover. Called electrofishing, it's the high-tech version of shooting fish in a barrel. Researchers have long used it, but not watermen.

### **ROANOKE TIMES**

State review opens Virginia waterways to the public Imagine a creek on the edge of the Roanoke Valley that when it roars to life has top-notch rapids rivaling those at premier whitewater spots across the East Coast. It's a paddler's paradise. For more than a decade, that flowing nirvana has been off limits to local canoeists and kayakers, but after a navigability reassessment of more than a dozen creeks and streams across the state, Johns Creek in Craig County is now open for public use. The Virginia Marine Resources Commission has re-evaluated the navigability of 14 waterways across the state stretching from Warren County in the

Shenandoah Valley to Craig, Franklin and Botetourt counties in the Roanoke Valley and determined that the streams are navigable and thus open to the public. Johns Creek has long been at the heart of a confusing legal battle that dates back to Colonial times. The issue involving creek navigability and king's grants, which established creek beds and river banks on land granted by kings as private property, pit paddling enthusiasts against landowners. "With river access, what I've seen is ambiguity creates conflict," said Kevin Colburn, the stewardship director for American Whitewater. That conflict peaked on Johns Creek in 1999 when a Craig County farmer whose land borders the creek filed trespassing charges against a Roanoke paddler for running the creek without asking permission. The farmer, Joe Looney, owned a 200-acre farm that included both sides of Johns Creek. At the time, Looney's lawyer said the land was first granted to a landowner in 1760 by England's King George II. About a dozen owners later, Looney purchased the land in 1964. The paddler, Karl Albert, was convicted and had to pay a \$50 fine. Since then, most paddlers have avoided the creek despite its challenging Class IV or higher rapids.

### **CHARLOTTESVILLE NEWSPLEX -- ABC-TV 27**

Goochland Teacher Recognized for Teaching Environmental Issues GOOCHLAND COUNTY, VA (NEWSPLEX) -- The Environmental Protection Agency has recognized a Goochland County teacher for her efforts to inform her students about environmental problems. Anne More received the Presidential Innovation Award for Environmental Educators. "Anne Moore has spent 16 years teaching students about the importance of environmental conservation and how their actions affect health and the environment," said EPA Regional Administrator Shawn M. Garvin. "Through her hard work and dedication, students leave the classroom with a better understanding of the delicate balance between humans and our environment, and share that knowledge with families and communities." She developed programs to encourage kids to think critically about solving environmental problems. Her Trash to Treasure program requires students to analyze waste management practices in their area and research how those practices alter the environment. Another of her programs led to the Chesterfield County Tire Amnesty Day that allows members of the community to bring in unwanted tires for proper disposal. Some of Moore's students have also participated in a Chesapeake Bay Blue Crab Study and a Prothonotary Warbler Investigative Study.

### **VIRGINIA GAZETTE**

Groundwater Management Committee to be watched closely by James City County Next week the Eastern Virginia Groundwater Management Committee, a panel of academics, county administrators and agricultural experts will host its first meeting in Glen Allen. While the group's moniker may seem mundane, the committee's findings will have a big impact on James City County's ability to draw groundwater. This winter, as the Virginia Department of Environmental Quality signaled it would likely halve the county's groundwater permit, from 8.8 million gallons per day to 4.4 million gallons per day, Sen. Thomas K. "Tommy" Norment, R- James City, introduced a bill in the General Assembly forming the committee. The legislation authorizing the group keeps the DEQ from reducing the amount of water in groundwater permit before the committee issues a full report. Locally, James City County Administrator Bryan Hill sits on the 24-member panel. Right now, James City County uses about 5.4 million gallons per day, less than its current permit authorizes. But if the next groundwater permit is below the daily use it will likely have to seek water from outside sources, including the city of Newport News. Doing

so could be pricey, with infrastructure to support water from Newport News costing in the range of \$16-\$18 million. "I worked on this issue because of its vital importance to our region and my district," Norment said in a statement from his office. "Gloucester, James City and King William all have a lot at stake in ensuring continuous access to groundwater. It is my hope that the study committee will bring groups together to work on longterm solutions for our region." The DEQ has found that the aquifer used by James City County and several other localities and businesses in the Eastern District of Virginia, a jurisdiction that stretches from Northern Virginia to Hampton Roads, has not refreshed at adequate levels.

### **FREDERICKSBURG FREE LANCE STAR**

Editorial: Solar power becoming a key component of Virginia's energy blueprint IN CASE you haven't heard, solar energy is a big deal. Growth in both utility-scale operations and residential photovoltaic panel installation has reached unprecedented levels. It appears that humans are finally learning what plants have known for eons: The sun provides a natural and limitless source of life-giving energy. Though news about the importance and expanding use of solar energy comes in from around the world every day, the most important information for consumers is about what's going on close to home. In the Fredericksburg area, there is plenty. Right now, through Sept. 4, Solarize Fredericksburg is offering bulk purchasing discounts on solar power equipment and free solar site assessments. This is the result of a truly local, grassroots initiative. A consortium of local businesses and organizations called CLEAR—Climate, Environment and Readiness—is taking a leadership role here in advocating for the use of alternative energy sources while looking at how the region can best react and adapt to climate change. The group reached out to the Charlottesville-based organization LEAP—the Local Energy Alliance Program—which helps groups such as CLEAR do what they intend to do. In this case, it is to make solar power equipment more affordable by buying in bulk. The program is available to residents, businesses and organizations in Fredericksburg and the counties of Caroline, King George, Spotsylvania and Stafford. Go online to: [solarizeva.org](http://solarizeva.org) for more information. Thanks to organizations and programs like these, the phenomenal growth of solar installations and the industry as a whole will continue. That's because solar energy is clean, plentiful and readily available without the need for additional power plants. Large utilities such as Dominion Virginia Power that have long depended on fossil fuels and nuclear reactors, which can take decades to put online and are on everyone's NIMBY list, are turning to solar energy to power the future. Dominion is investing in solar, in part because it can already identify the impact of residential solar systems—many homeowners are interested more in what they can feed back into the grid than what they take out of it. Its plans include construction of a solar energy farm in Fauquier County that promises to generate enough power—20 megawatts—for 5,000 homes. The utility just announced plans for a similar project in Isle of Wight County.

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## **MISCELLANEOUS**

### **BNA DAILY ENVIRONMENT REPORT**

Pennsylvania Utility Agrees to Control Sewer Overflows A Pennsylvania water treatment plant agrees to a plan to control combined sewer overflows into the Delaware River and its tributaries,

the Justice Department and the EPA announce. In a proposed consent decree filed with the U.S. District Court for the Eastern District of Pennsylvania, the Delaware County Regional Water Quality Control Authority, near Philadelphia, agrees to a plan that could cost up to \$200 million to control and reduce overflows from its sewer system to improve the quality of the Delaware River, Chester Creek and Ridley Creek. The EPA said DELCORA could spend as much as \$200 million on the control plan to bring the water utility into compliance with the Clean Water Act. "This important agreement will protect residents from sewers that discharge raw sewage and other contaminants into local waterways," John C. Cruden, assistant attorney general for the Justice Department's Environment and Natural Resources Division, said in a statement. "It is the latest in a series of settlements with municipalities across the country to address aging and inadequate sewer infrastructure, particularly in older communities where residents have had to deal with sewer overflows for generations." Once specific pollution control measures are selected and approved, the settlement requires DELCORA to implement the plan as soon as possible, with a 20-year deadline. The utility, which serves about 500,000 residents, also must pay a penalty of nearly \$1.38 million for previous violations, which will be split between the U.S. and Pennsylvania, a co-plaintiff in the case, the announcement said. The utility also must seek public input on the long-term control plan, including from Chester Creek and other surrounding communities that have "historically been overburdened by pollution," it said.

EPA Inspector General Investigating Animas River Spill The EPA Office of the Inspector General says it will investigate the cause and EPA's response to the release of 3 million gallons of mining waste and sediment into the Animas River in southwestern Colorado. The investigation, spurred by a congressional request, will involve preliminary research into the spill, caused when EPA workers accidentally unleashed the wastewater and sludge at the Gold King Mine on Upper Cement Creek near Silverton, Colo., the inspector general says. The plume of waste contained elevated levels of arsenic, cadmium, lead and mercury.

Environmental Groups Ask What's Next in EPA Methane Limits As the EPA gets ready to propose methane emissions limits for new oil and natural gas wells, environmental groups are already asking what's next for existing sources. The agency's proposed standards for new and modified wells, expected sometime this month, are part of an Obama administration strategy to curb methane emissions by as much as 45 percent by 2025. "What we hope to see from the administration in the next week or two are regulations for the oil and gas industry that begin to move us towards achieving that goal," which likely cannot be met unless existing sources of methane emissions are also regulated, an Environmental Defense Fund official says.

Advocacy Groups Sue EPA, Seek Revised Emissions Modeling Documents The EPA has failed to provide documents relating to tests used to develop an updated vehicle emissions simulator, two advocacy groups say in a Freedom of Information Act lawsuit. The Urban Air Initiative Inc. and Energy Future Coalition are seeking documents related to the conduct and results of the EPAAct study, which was conducted with assistance from Chevron, Southwest Research Institute and the Coordinating Research Council, according to the complaint filed in the U.S. District Court for the District of Columbia. The advocacy groups argue that the study was the basis for erroneous emissions factors the EPA included in its revised Motor Vehicle Emission Simulator.

Small Mining Companies Sue EPA, Corps Over Clean Water Rule A Washington-based mining and exploration association becomes the latest group to sue the EPA and the U.S. Army Corps of Engineers over the final clean water rule that takes effect in less than two weeks. In a complaint filed in the U.S. District Court for the District of Columbia, the Spokane, Wash.-based American Exploration & Mining Association accuses the EPA and the corps of violating the Regulatory Flexibility Act and the Administrative Procedure Act by promulgating the final rule.

## **GREENWIRE**

CLEAN POWER PLAN: Efficiency advocates frustrated by no credit for early action The new early-action incentives program U.S. EPA inserted into its final Clean Power Plan could actually reduce interest in energy efficiency improvements before 2022, advocates say. That's because while the Clean Energy Incentive Program (CEIP) offers states credit for bringing solar and wind energy online early -- benefiting renewable energy investors especially in states that allow emissions trading -- the same is not true for efficiency upgrades unless they happen in low-income communities. That limitation has efficiency businesses and policy advocates who didn't blink an eye when EPA cut them out of the rule's "building blocks" formula for tallying state targets fuming that EPA is favoring renewable energy over their technologies (*Greenwire*, Aug. 1). "I just really don't understand why they wouldn't put energy efficiency on the same footing as an early action credit as renewable energy," said Kelly Speakes-Backman, a senior vice president at Alliance to Save Energy. The program, which debuted in the final rule for existing power plants early this month and which is open to comment, aims to capture some of the early reductions that might have been lost when EPA pushed the rule's mandatory compliance period back two years to 2022. The CEIP allows states to earn and bank a set amount of credits for renewable energy and energy efficiency projects that come online after state plans are approved and that cut emissions in 2020 and 2021. Efficiency projects in low-income areas earn double the credit of wind and solar, but non-low-income demand-reduction projects earn no credit -- a serious flaw, according to efficiency advocates. "This is a significant problem, and it does need to be corrected in our view," said Steve Nadel of the American Council for an Energy-Efficient Economy.

CLEAN POWER PLAN: States aim for conservative judges to hear challenge A federal court bid last week by 15 states to block U.S. EPA's Clean Power Plan offered few new arguments but illuminated a key legal strategy: retaining the same three Republican-appointed judges who considered an earlier, premature challenge to the regulation. Led by West Virginia, the states asked the U.S. Court of Appeals for the District of Columbia Circuit to take the unusual step of granting an emergency stay of the greenhouse gas standards for power plants. That would put the rules on hold pending the resolution of litigation. The D.C. Circuit typically doesn't entertain challenges to Clean Air Act regulations before they are published in the *Federal Register*. The Clean Power Plan has yet to be published, leading supporters of the regulations to criticize the latest attempt by critics to bypass the usual judicial review process.

WILDLIFE REFUGES: Unused oil and gas gear threatens habitat, drinking water ARANSAS

NATIONAL WILDLIFE REFUGE, Texas -- A well that blew out in 1940 has been intermittently leaking oily salt water here ever since. The most recent attempt to cap it in 2007 failed six years later, refuge officials said. The 9,000-foot deep well began bubbling up again, imperiling the winter habitat of the endangered whooping crane as well as drinking water for millions of Texans. A visit to the refuge near Corpus Christi in late May found it leaking gas, oil and about 60 barrels of brine a day. While the situation in Aransas is extreme, government reports and interviews with employees and veterans of the National Wildlife Refuge System show that hundreds of similarly inactive wells remain a major challenge for the Fish and Wildlife Service. The agency lacks the legal power or funding to do much about improperly sealed or abandoned wells that are putting refuges and nearby communities at risk. "It's a big problem," said Darrin Unruh, who for 15 years struggled to protect natural resources in eastern Oklahoma's Deep Fork National Wildlife Refuge, which is pockmarked by oil and gas infrastructure. "We just haven't been able to do anything," Unruh said in May while standing beside a 12-foot pumpjack engulfed in foliage. "We can't find the producers, and we don't have the money." The problems with abandoned infrastructure at Aransas and Deep Fork are mirrored at dozens of units in the refuge system, a recent study by a pair of Fish and Wildlife researchers found.

### **REUTERS NEWS SERVICE**

US shale firms turn to private equity as market funding tails off HOUSTON — A renewed slide in crude prices is having the effect U.S. energy sector dealmakers and private equity managers have been looking for: oil companies are now returning calls from potential buyers. Throughout much of the crude market rout that started in mid-2014 oil firms could rely on generous capital markets investors betting on a quick recovery in prices, which made any asset sales look unattractive. But since crude prices began tanking again in early July after a partial three-month recovery, oil firms have finally started to feel the squeeze. A torrent of \$44 billion in high-yield debt and share sales in the first half of this year has slowed to a trickle with oil now at just above \$42 a barrel, 30 percent below its June levels and 60 percent down from June 2014, and a more pessimistic view taking hold that global oversupply could keep oil cheap for years. The number of high-yield bond and share issues has tumbled more than two-thirds from levels seen in May, Thomson Reuters data show. That opens up opportunities for deep-pocketed private equity firms to push for restructuring or buy assets as many oil companies need cash to replenish banks' slimmed-down lending facilities, service their bonds and finance drilling of new wells to keep pumping oil and sustain cash flow. "The capital markets showed up in force in the first quarter much to everyone's surprise," said Carl Tricoli, managing partner at Denham Capital, a private equity fund in Houston.

U.S. oil drillers add rigs even as prices dive anew, Baker Hughes says U.S. energy firms added oil rigs for a fourth straight week, according to data that highlights how a period of stable prices earlier this summer lulled some drillers into stepping up spending just before a second oil market slump. Reflecting plans announced in May and June, when U.S. crude futures averaged \$60 a barrel, drillers added two oil rigs in the week ended Aug. 14, bringing the total count up to 672, the highest since early May, oil services company Baker Hughes Inc said in its closely followed report. They may now regret those moves as U.S. crude has tumbled nearly \$20 a barrel to reach a new 6-1/2-year low under \$42, prompting a new round of spending and job cuts across the beleaguered global oil industry. Many forecasters including Australian bank Macquarie expect the rig count to resume drifting lower through the second half of the year as weaker prices bite.

While the number of rigs is still 58 percent lower than it was at its peak last October, the slight rebound over the past month suggests U.S. oil production may be slightly higher than earlier expected, although the effect will take time to see. It can take up to six months for a new well to begin pumping crude. Drillers added oil rigs in two of the four major U.S. shale oil basins, with five in the Eagle Ford in South Texas and one in the Niobrara in Colorado and Wyoming. They removed two rigs in the Bakken in North Dakota and Montana, while the number of rigs in the Permian in West Texas and eastern New Mexico held steady.